

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

ALF RENTAL COMPANY, INC.,

Docket No.: 07 CV 3148 (LAK)

Plaintiff,

vs.

BUILDERS RESOURCE, INC., D'ONOFRIO
GENERAL CONTRACTORS CORP.,
CONSOLIDATED EDISON OF NEW YORK,
INC., TERRA DINAMICA, LLC, CORESLAB
STRUCTURES, and NICOLSON
CONSTRUCTION CO.,

NOTICE OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE*

Defendants.

X

CORESLAB STRUCTURES (CONN), INC.
(MISNAMED AS CORESLAB STRUCTURES),

Defendant/Third-Party Plaintiff,

vs.

STEVE ALLARD,

Third-Party Defendant.

X

To: Richard L. Herzfeld, Esq.
Bahn, Herzfeld & Multer, LLP
555 Fifth Avenue
New York, N.Y. 10017
Attorneys for Plaintiff

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Scott M. Yaffe, Esq., and the annexed Affidavit of Edward J. Frisch, Esq., and the exhibits annexed thereto, defendant Coreslab Structure (Conn), Inc., by its attorneys Lindabury, McCormick, Estabrook & Cooper, P.C. will move this Court before the Honorable Lewis A. Kaplan, U.S.M.J., 500 Pearl Street, New York City, New York, on a date to be determined by the Court for an Order, pursuant to Rule 1.3 of the Local Rules of the

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AUG 31 2007
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FILED
CLERK'S OFFICE

United States District Court for the Southern District of New York, admitting Edward J. Frisch, Esq., as an attorney *pro hac vice*.

Dated: 8/29/07

Respectfully submitted,

Scott M. Yaffe

Scott M. Yaffe (SY 4344)
Attorneys for Defendant
Lindabury, McCormick, Estabrook & Cooper, P.C.
26 Broadway, Suite 2300
New York, New York 10004

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,

Plaintiff,

Docket No.: 07 CV 3148 (LAK)

vs.

BUILDERS RESOURCE, INC., D'ONOFRIO
GENERAL CONTRACTORS CORP.,
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STRUCTURES, and NICOLSON
CONSTRUCTION CO.,

Defendants.

-----X
CORESLAB STRUCTURES (CONN), INC.
(MISNAMED AS CORESLAB STRUCTURES),

AFFIRMATION IN SUPPORT OF
THE ADMISSION OF
EDWARD J. FRISCH, ESQ.
PRO HAC VICE

Defendant/Third-Party Plaintiff,

vs.

STEVE ALLARD,

Third-Party Defendant.

-----X

SCOTT M. YAFFE, an attorney duly admitted to practice law in the State of New York, affirms the following under the penalties of perjury as follows:

1. I am an attorney admitted in this court and am of counsel to the firm of Lindabury, McCormick, Estabrook & Cooper, P.C., attorneys for defendant Coreslab Structures (Conn), Inc., in the above captioned matter.

2. I submit this affirmation in support of Coreslab Structures (Conn), Inc.'s motion pursuant to Rule 1.3 of the Local Rules of the United States District Court for the

Southern District of New York to admit Edward J. Frisch, Esq., *pro hac vice* in the above captioned matter.

3. Admission to practice *pro hac vice* is properly granted where the Court is satisfied that the attorney seeking admission has sufficient training and expertise to represent his client's interests and is admitted and practicing law in good standing in another state. 18 Int'l Ltd. v. Interstate Express, Inc., 116 Misc. 2d 66, 67-68, 455 N.Y.S.2d 224, 226 (Sup. Ct. N.Y.Co. 1982).

4. Edward J. Frisch, Esq., is a partner in the Westfield, New Jersey, office of Lindabury, McCormick, Estabrook & Cooper P.C. Mr. Frisch is a member in good standing of the Bar of the State of New Jersey and is admitted to practice before the United States District Court for the District of New Jersey.

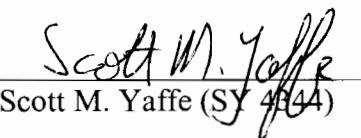
5. Coreslab Structures (Conn), Inc., has requested that Mr. Frisch represent it in this matter. Mr. Frisch has expertise and experience in construction litigation and has been involved in this action since its inception and is fully familiar with the facts herein. He is familiar with the Rules of this Court.

6. There are no pending disciplinary proceedings against Mr. Frisch in any State or Federal Court.

7. I am also submitting the Affidavit of Edward J. Frisch, Esq., in connection with this application. Mr. Frisch is familiar with and shall comply with all applicable standards of professional conduct. In his affidavit, Mr. Frisch agrees to be subject to the jurisdiction of the courts of this state with respect to any acts occurring during the course of his representation in this matter.

8. Based on the foregoing, it is respectfully requested that Edward J. Frisch, Esq., be admitted to the bar of this Court *pro hac vice* in the above captioned matter.

Dated: August 29th, 2007
New York, New York



Scott M. Yaffe (SY 4044)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,

Plaintiff,

Docket No.: 07 CV 3148 (LAK)

vs.

BUILDERS RESOURCE, INC., D'ONOFRIO
GENERAL CONTRACTORS CORP.,
CONSOLIDATED EDISON OF NEW YORK,
INC., TERRA DINAMICA, LLC, CORESLAB
STRUCTURES, and NICOLSON
CONSTRUCTION CO.,

Defendants.

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AFFIDAVIT IN SUPPORT OF
MOTION TO ADMIT
PRO HAC VICE

CORESLAB STRUCTURES (CONN), INC.
(MISNAMED AS CORESLAB STRUCTURES),

Defendant/Third-Party Plaintiff,

vs.

STEVE ALLARD,

Third-Party Defendant.

-----X

STATE OF NEW JERSEY)
) ss.:
COUNTY OF UNION)

Edward J. Frisch, of full age, and having been duly sworn, upon this oath deposes
and says:

1. I am a partner in the Westfield, New Jersey, office of the law firm of
Lindabury, McCormick, Estabrook & Cooper, located at 53 Cardinal Drive, PO Box
2369, Westfield, NJ 07091-2369, (908) 233-6800.

2. I submit this Affidavit in support of Coreslab Structures (Conn), Inc.'s motion pursuant to Rule 1.3 of the Local Rules of the United States District Court for the Southern District of New York for my admission to the bar of this Court *pro hac vice* in the above captioned matter.

3. I am a member in good standing with the Bar of the State of New Jersey and have been admitted to practice in the Supreme Court of New Jersey, the United States Court of Appeals for the 2nd and 3rd Circuit, the U.S. District Court of New Jersey and the United States Supreme Court. I am attaching copies of the various Certificates of Good Standing as Exhibit A.

4. I have never been disciplined or, to my knowledge, investigated on any claim before the bar of any court or by any disciplinary board, and I have never been the subject of any sanction by any State or Federal Court.

5. Coreslab Structures (Conn), Inc. has requested that I personally represent it in the present matter.

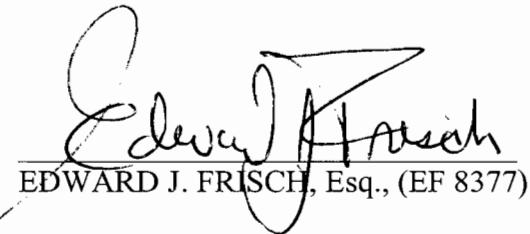
6. There is further good cause for my admission in that I have an undergraduate degree in mechanical engineering and thirty year's experience in construction litigation and, therefore, litigating matters of this nature and I have been involved in this case since its inception.

7. It is specifically admitted to the bar of this Court that I will be admitted solely for the purpose of participating in this particular action.

8. I am familiar with and will abide by all applicable standards of professional conduct.

9. I also acknowledge that I will be subject to the jurisdiction of the Courts of New York with respect to any acts occurring during the course of my representation of Coreslab Structures (Conn), Inc. in this matter.

10. Based upon the foregoing, it is respectfully requested that I be permitted to appear *pro hac vice* in this case.



EDWARD J. FRISCH, Esq., (EF 8377)

Sworn to before me on this 28th
day of August, 2007.



LYNN NESENJUK
Notary Public, State of New Jersey

LYNN NESENJUK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES DECEMBER 1, 2010

Supreme Court of the United States

OFFICE OF THE CLERK
WASHINGTON, D. C. 20543



**EDWARD JOHN FRISCH
OF WESTFIELD, NJ**

was duly admitted and qualified as an Attorney and Counselor for the Supreme Court of the United States on the seventh day of March, in the year one thousand nine hundred and eighty-three, and is now a member of the Bar of this Court in good standing.

In testimony, whereof, as Clerk of said Court, I have hereunto set my hand and affixed the seal of said Court, at the City of Washington, this seventeenth day of August 2007.



William K. Suter
*Clerk of the Supreme Court
of the United States*

By

A handwritten signature in black ink, appearing to read "William K. Suter".

Assistant Admissions Officer

Certificate of Good Standing



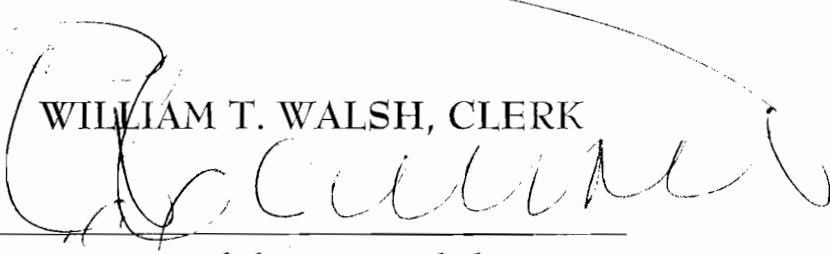
United States of America
District of New Jersey

I, WILLIAM T. WALSH, Clerk of the United States District Court for the District of New Jersey, do hereby certify that:

Edward J. Frisch

was duly admitted to practice in said Court as of December 9, 1976,
and is in good standing as a member of the Bar of said Court.

Dated at Newark, New Jersey
on: August 13, 2007

By 
WILLIAM T. WALSH, CLERK
Carey P. Carlisle, Deputy Clerk

Supreme Court of New Jersey

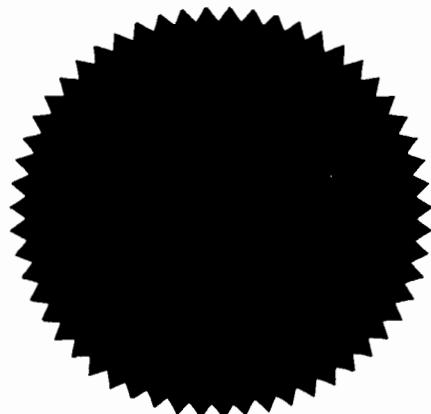


Certificate of Good Standing

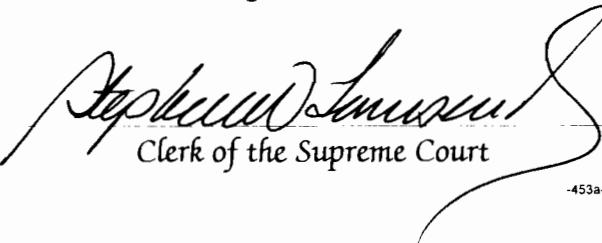
This is to certify that **EDWARD J FRISCH**
(No. **022401976**) was constituted and appointed an Attorney at Law of New Jersey on **December 09, 1976** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
13TH day of **August**, 20 **07**


Stephen J. Munzer
Clerk of the Supreme Court

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

CERTIFICATE OF GOOD STANDING

CATHERINE O'HAGAN WOLFE, Clerk of the United States
Court of Appeals for the Second Circuit,

CERTIFY that EDWARD J. FRISCH is admitted to practice in said
Court on April 24, 2007 and is in good standing.

Dated: August 14, 2007
New York, New York

CATHERINE O'HAGAN WOLFE

Clerk of Court

By:



Kevin Brodsky

Deputy Clerk

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

CERTIFICATE OF GOOD STANDING

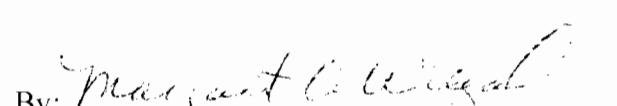
I, Marcia M. Waldron, Clerk of the United States Court of Appeals for the Third Circuit, DO CERTIFY THAT **Edward J. Frisch** was admitted to practice before this Court as an attorney and counselor on **February 14, 1977** and that he or she has never been suspended or disbarred; and is presently a member of the bar of this Court in good standing.

I DO FURTHER CERTIFY that there are no grievances or complaints pending before the Disciplinary Committee of this Court against said attorney and counselor.

IN TESTIMONY WHEREOF, I have hereunto Subscribed my name and affixed the seal Of the said Court, at Philadelphia, this 21st day of August, 2007

MARCIA M. WALDRON, Clerk
United States Court of Appeals for the
Third Circuit

By:


Margaret A. Wiegand,
Legal Coordinator

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,

Docket No.: 07 CV 3148 (LAK)

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GENERAL CONTRACTORS CORP.,
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STRUCTURES, and NICOLSON
CONSTRUCTION CO.,

CERTIFICATION OF SERVICE

Defendants.

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CORESLAB STRUCTURES (CONN), INC.
(MISNAMED AS CORESLAB STRUCTURES),

Defendant/Third-Party Plaintiff,

vs.

STEVE ALLARD,

Third-Party Defendant.

-----X

CERTIFICATION OF SERVICE

I certify that on this date, copies of the Defendant/Third-
Party Plaintiff, Coreslab Structure's Motion to Admit Pro Hac
Vice were sent via regular mail to the following:

Richard L. Herzfeld, Esq.
Bahn, Herzfeld & Multer, LLP
555 Fifth Avenue
New York, N.Y. 10017
Attorney for Plaintiff

Stephen H. Marcus
Lambert & Weiss
61 Broadway, Suite 2020
New York, New York 10006

Attorneys for Defendant and Third-Party Plaintiff Buidlers Resource, Inc. and Third-Party Defendant Steven Allard

Gary Joseph Mueller, Esq.
Treacy Schaffel Moore & Mueller
111 Broadway
New York, New York 10006
Attorneys for Defendant D'Onofrio General Contractor

Scott A. Levinson, Esq.
4 Irving Place
New York, New York 10003
Attorney for Defendant, Consolidated Edison Company

I hereby certify that the foregoing statements made by me are true I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Lynn Nesenjuk

Dated: August 29, 2007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,

Plaintiff,

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STRUCTURES, and NICOLSON
CONSTRUCTION CO.,

ORDER FOR *PRO HAC VICE*
ADMISSION

Defendants.

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CORESLAB STRUCTURES (CONN), INC.
(MISNAMED AS CORESLAB STRUCTURES),

Defendant/Third-Party Plaintiff,

vs.

STEVE ALLARD,

Third-Party Defendant.

-----X

AND NOW, on this _____ day of _____, 2007, the Court having considered the motion to admit Edward J. Frisch, Esq., *pro hac vice*:

It is hereby ORDERED that the motion to admit Edward J. Frisch, Esq. *pro hac vice* in the above captioned matter is granted. The admitted attorney, Edward J. Frisch, Esq., is permitted to argue or try this particular case in whole or in part as counsel. The admitted attorney, upon compliance with the directive in this Order, may enter appearances for parties, sign stipulations, receive payments upon judgments, decrees or orders, and otherwise serve as counsel in this case.

The above-named attorney shall, within 10 business days of the date of this Order, pay the required attorney admission fee made payable to the "Clerk of the U.S. District Court," located at 500 Pearl Street, New York City, New York.

The Clerk is directed to enter the above attorney's appearance as counsel in the above captioned case. The above-named attorney shall serve a copy of this Order on counsel for all parties and file a certificate of such service within 10 business days of the date hereof.

Hon. Lewis A. Kaplan, United States Magistrate Judge